

S/N Unknown

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Scott Sarnikowski et al. Examiner: Unknown
Serial No.: Unknown Group Art Unit: Unknown
Filed: Herewith Docket: 500.623U12
Title: DATA TRANSMISSION OVER A COMMUNICATION NETWORK (as amended)

PETITION TO DELETE INVENTORS UNDER 37 CFR 1.48(b)(1)

Assistant Commissioner for Patents
Washington, D.C. 20231

Pursuant to 37 CFR 1.48(b)(1), Mark J. Dapper, Michael J. Geile, Terrance J. Hill, Harold A. Roberts, Brian D. Anderson, Jeffrey Brede, Mark S. Wadman, Robert J. Kirscht, James J. Herrmann, Michael J. Fort, Steven P. Buska, Jeff Solum, Debra Lea Enfield, Darrell Berg, Thomas Smigelski, Thomas C. Tucker, Joe Hall, Somvay Boualouong, Heng Lou, Mark D. Elpers, Matt Downs, Tammy Ferris, Adam Opoczynski, David S. Russell, Calvin G. Nelson, Niranjana R. Simant and Joseph F. Chiappetta should be deleted as inventors in the above-identified patent application because their invention is not recited in claims 2-37 of the above-identified patent application.

A check in the amount of \$130.00 is enclosed to cover the required petition fee. Please charge any additional fees or credit overpayment to Deposit Account 19-0743.

Respectfully submitted,

SCOTT SARNIKOWSKI ET AL.

By their Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. Box 2938
Minneapolis, MN 55402
(612) 373-6920

Date September 15, 1999 By David N. Fogg
Reg. No. 35,138

CERTIFICATE UNDER 37 CFR 1.10:

"Express Mail" mailing label number: EL273420830US

Date of Deposit: September 15, 1999

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Name Chris Hammond

Signature Chris Hammond

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.

United States Patent Application

COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: COMMUNICATION SYSTEM WITH MULTICARRIER TELEPHONY TRANSPORT.

The specification of which was filed on June 28, 1996 as application serial no. 08/673,002 and was amended on September 24, 1996.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56 (see page 10 attached hereto).

I hereby claim foreign priority benefits under Title 35, United States Code, § 119/365 of any foreign application(s) for patent of inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

~~No such applications have been filed.~~

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below.

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<u>Application Number</u>	<u>Filing Date</u>	<u>Status</u>
08/311,964	September 26, 1994	Allowed
08/457,317	June 1, 1995	Pending
08/457,295	June 1, 1995	Pending
08/650,408	May 20, 1996	Pending

I hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

Anglin, J. Michael	Reg. No. 24,916	Embretson, Janet E.	Reg. No. 39,665	Lempia, Bryan J.	Reg. No. 39,746
Bianchi, Timothy E.	Reg. No. 39,610	Fogg, David N.	Reg. No. 35,138	Litman, Mark A.	Reg. No. 26,390
Billig, Patrick G.	Reg. No. 38,080	Forrest, Bradley A.	Reg. No. 30,837	Lundberg, Steven W.	Reg. No. 30,568
Billion, Richard E.	Reg. No. 32,836	Holloway, Sheryl S.	Reg. No. 37,850	Schwegman, Micheal L.	Reg. No. 25,816
Brennan, Thomas F.	Reg. No. 35,075	Kalinowski, Leonard J.	Reg. No. 24,207	Slifer, Russell D.	Reg. No. 39,838
Burke, John E.	Reg. No. 35,836	Klima-Silberg, Catherine I.	Reg. No. 40,052	Viksnins, Ann S.	Reg. No. 37,748
Clark, Barbara J.	Reg. No. 38,107	Kluth, Daniel J.	Reg. No. 32,146	Woessner, Warren D.	Reg. No. 30,440
Dryja, Michael A.	Reg. No. 39,662	Lemaire, Charles A.	Reg. No. 36,198		

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/organization/who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Schwegman, Lundberg, Woessner & Kluth, P.A. to the contrary.

Please direct all correspondence in this case to Schwegman, Lundberg, Woessner & Kluth, P.A. at the address indicated below:

P.O. Box 2938, Minneapolis, MN 55402
Telephone No. (612)339-0331

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of joint inventor number 1 : **Mark J. Dapper**
Citizenship: United States of America
Post Office Address: 6556 Baywood Lane
Cincinnati, OH 45224

Residence: Cincinnati, OH

Signature: 

Mark J. Dapper

Date: 1/23/97

Full Name of joint inventor number 2 : **Michael J. Geile**
Citizenship: United States of America
Post Office Address: 316 Miami Valley Drive
Loveland, OH 45140

Residence: Loveland, OH

Signature: 

Michael J. Geile

Date: 1/22/97

Full Name of joint inventor number 3 : **Terrance J. Hill**
Citizenship: United States of America
Post Office Address: 1765 Garrett House Lane
Fairfield, OH 45014

Residence: Fairfield, OH

Signature: 

Terrance J. Hill

Date: 1/23/97

Full Name of joint inventor number 4 : **Harold A. Roberts**
Citizenship: United States of America
Post Office Address: 7017 Beacon Circle
Eden Prairie, MN 55346

Residence: Eden Prairie, MN

Signature: _____

Harold A. Roberts

Date: _____

X Additional inventors are being named on separately numbered sheets, attached hereto.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon:

Full Name of joint inventor number 5: Brian D. Anderson

Citizenship: United States of America

Residence: Plymouth, MN

Post Office Address: 11450 - 50th Place North
Plymouth, MN 55442

Signature: _____

Brian D. Anderson

Date: _____

Full Name of joint inventor number 6: Jeffrey Brede

Citizenship: United States of America

Residence: Eden Prairie, MN

Post Office Address: 8073 Curtis Lane
Eden Prairie, MN 55347

Signature: _____

Jeffrey Brede

Date: _____

Full Name of joint inventor number 7: Mark S. Wadman

Citizenship: United States of America

Residence: Eden Prairie, MN

Post Office Address: 8956 Brandon Drive 4416 Fairfax Hill Dr.
Eden Prairie, MN 55347 Plano, TX 75024

Signature: _____

Mark S. Wadman

Date: 1/30/97

Full Name of joint inventor number 8: Robert J. Kirscht

Citizenship: United States of America

Residence: Savage, MN

Post Office Address: 13106 Vernon Avenue South
Savage, MN 55378

Signature: _____

Robert J. Kirscht

Date: _____

☒ Additional inventors are being named on separately numbered sheets, attached hereto.

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Full Name of joint inventor number 5 : **Brian D. Anderson**
Citizenship: **United States of America** Residence: **Plymouth, MN**
Post Office Address: **11430 - 50th Place North**
Plymouth, MN 55442

Signature: _____ Date: _____
Brian D. Anderson

Full Name of joint inventor number 6 : **Jeffrey Brede**
Citizenship: **United States of America** Residence: **Eden Prairie, MN**
Post Office Address: **8073 Curtis Lane**
Eden Prairie, MN 55347

Signature: _____ Date: _____
Jeffrey Brede

Full Name of joint inventor number 7 : **Mark S. Wadman**
Citizenship: **United States of America** Residence: **Eden Prairie, MN**
Post Office Address: **8956 Braxton Drive**
Eden Prairie, MN 55347

Signature: _____ Date: _____
Mark S. Wadman

Full Name of joint inventor number 8 : **Robert J. Kirscht**
Citizenship: **United States of America** Residence: **Savage, MN**
Post Office Address: **13106 Vernon Avenue South**
Savage, MN 55378

Signature: _____ Date: _____
Robert J. Kirscht

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Full Name of joint inventor number 9 : James J. Herrmann
Citizenship: United States of America Residence: Eagan, MN
Post Office Address: 1894 Sunrise Court
Eagan, MN 55122

Signature: _____ Date: _____
James J. Herrmann

Full Name of joint inventor number 10 : Michael J. Fort
Citizenship: United States of America Residence: Eagan, MN
Post Office Address: 1045 Northview Park
Eagan, MN 55123

Signature: _____ Date: _____
Michael J. Fort

Full Name of joint inventor number 11 : Steven P. Buska
Citizenship: United States of America Residence: Minnetonka, MN
Post Office Address: 13370 Stanton Drive
Minnetonka, MN 55305

Signature: _____ Date: _____
Steven P. Buska

Full Name of joint inventor number 12 : Jeff Solum
Citizenship: United States of America Residence: Bloomington, MN
Post Office Address: 4900 West 78th Street
Bloomington, MN 55435

Signature: _____ Date: _____
Jeff Solum

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Full Name of joint inventor number 13 : Debra Lea Enfield
Citizenship: United States of America Residence: Chaska, MN
Post Office Address: 464 Ridge Court
Chaska, MN 55318

Signature: _____ Date: _____
Debra Lea Enfield

Full Name of joint inventor number 14 : Darrell Berg
Citizenship: United States of America Residence: Bloomington, MN
Post Office Address: 4900 West 78th Street
Bloomington, MN 55435

Signature: _____ Date: _____
Darrell Berg

Full Name of joint inventor number 15 : Thomas Smigelski
Citizenship: United States of America Residence: Lake Zurich, IL
Post Office Address: 230 Waterford Drive
Lake Zurich, IL 60047

Signature: _____ Date: _____
Thomas Smigelski

Full Name of joint inventor number 16 : Thomas C. Tucker
Citizenship: United States of America Residence: Chapel Hill, NC
Post Office Address: 205 Silver Creek Trail
Chapel Hill, NC 27514

Signature: _____ Date: _____
Thomas C. Tucker

☒ Additional inventors are being named on separately numbered sheets, attached hereto.

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Full Name of joint inventor number 17 : **Joe Hall**
Citizenship: **United States of America** Residence: **Bloomington, MN**
Post Office Address: **4900 West 78th Street**
Bloomington, MN 55435

Signature: _____ Date: _____
Joe Hall

Full Name of joint inventor number 18 : **John M. Logajan**
Citizenship: **United States of America** Residence: **Arden Hills, MN**
Post Office Address: **4248 Hamline Avenue**
Arden Hills, MN 55112

Signature: _____ Date: _____
John M. Logajan

Full Name of joint inventor number 19 : **Somvay Boualouang**
Citizenship: **United States of America** Residence: **Bloomington, MN**
Post Office Address: **4900 West 78th Street**
Bloomington, MN 55435

Signature: _____ Date: _____
Somvay Boualouang

Full Name of joint inventor number 20 : **Heng Lou**
Citizenship: **United States of America** Residence: **Bloomington, MN**
Post Office Address: **4900 West 78th Street**
Bloomington, MN 55435

Signature: _____ Date: _____
Heng Lou

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Full Name of joint inventor number 21 : **Mark D. Elpers**
Citizenship: **United States of America** Residence: **Elk River, MN**
Post Office Address: **16303 205th Avenue NW**
Elk River, MN 55330

Signature: _____ Date: _____
Mark D. Elpers

Full Name of joint inventor number 22 : **Matt Downs**
Citizenship: **United States of America** Residence: **Bloomington, MN**
Post Office Address: **4900 West 78th Street**
Bloomington, MN 55435

Signature: _____ Date: _____
Matt Downs

Full Name of joint inventor number 23 : **Tammy Ferris**
Citizenship: **United States of America** Residence: **Bloomington, MN**
Post Office Address: **4900 West 78th Street**
Bloomington, MN 55435

Signature: _____ Date: _____
Tammy Ferris

Full Name of joint inventor number 24 : **Adam Opoczynski**
Citizenship: **United States of America** Residence: **Plano, TX**
Post Office Address: **3705 Roxbury Lane**
Plano, TX 75025

Signature: _____ Date: _____
Adam Opoczynski

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Full Name of joint inventor number 25 : **David S. Russell**
Citizenship: **United States of America** Residence: **Minneapolis, MN**
Post Office Address: **5145 Luverne Avenue**
Minneapolis, MN 55419

Signature: _____ Date: _____
David S. Russell

Full Name of joint inventor number 26 : **Calvin G. Nelson**
Citizenship: **United States of America** Residence: **Shorewood, MN**
Post Office Address: **26190 Birch Bluff Road**
Shorewood, MN 55331

Signature: _____ Date: _____
Calvin G. Nelson

Full Name of joint inventor number 27 : **Niranjan R. Samant**
Citizenship: **United States of America** Residence: **Middletown, CT**
Post Office Address: **229 Ridgefield Drive**
Middletown, CT 06547

Signature: _____ Date: _____
Niranjan R. Samant

Full Name of joint inventor number 28 : **Joseph F. Chiappetta**
Citizenship: **United States of America** Residence: **Trumbull, CT**
Post Office Address: **6 Ranch Drive**
Trumbull, CT 06611

Signature: _____ Date: _____
Joseph F. Chiappetta

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Full Name of joint inventor number 29 : Scott Sarnikowski
Citizenship: United States of America Residence: Plymouth, MN
Post Office Address: 13235 57th Avenue North
Plymouth, MN 55442

Signature: _____ Date: _____
Scott Sarnikowski

Full Name of inventor:
Citizenship: _____ Residence:
Post Office Address: _____

Signature: _____ Date: _____

Full Name of inventor:
Citizenship: _____ Residence:
Post Office Address: _____

Signature: _____ Date: _____

Full Name of inventor:
Citizenship: _____ Residence:
Post Office Address: _____

Signature: _____ Date: _____

§ 1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.

United States Patent Application

COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

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Billig, Patrick G.	Reg. No. 38,080	Forrest, Bradley A.	Reg. No. 30,837	Lundberg, Steven W.	Reg. No. 30,568
Billion, Richard E.	Reg. No. 32,836	Holloway, Sheryl S.	Reg. No. 37,850	Schwegman, Michael L.	Reg. No. 25,816
Brennan, Thomas F.	Reg. No. 35,075	Kalinowski, Leonard J.	Reg. No. 24,207	Slifer, Russell D.	Reg. No. 39,838
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Full Name of joint inventor number 1 : **Mark J. Dapper**
Citizenship: **United States of America** Residence: **Cincinnati, OH**
Post Office Address: **6558 Baywood Lane**
Cincinnati, OH 45224

Signature: _____ Date: _____
Mark J. Dapper

Full Name of joint inventor number 2 : **Michael J. Geile**
Citizenship: **United States of America** Residence: **Loveland, OH**
Post Office Address: **316 Miami Valley Drive**
Loveland, OH 45140

Signature: _____ Date: _____
Michael J. Geile

Full Name of joint inventor number 3 : **Terrance J. Hill**
Citizenship: **United States of America** Residence: **Fairfield, OH**
Post Office Address: **1765 Garrett House Lane**
Fairfield, OH 45014

Signature: _____ Date: _____
Terrance J. Hill

Full Name of joint inventor number 4 : **Harold A. Roberts**
Citizenship: **United States of America** Residence: **Eden Prairie, MN**
Post Office Address: **7017 Beacon Circle**
Eden Prairie, MN 55346

Signature: _____ Date: _____
Harold A. Roberts

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Citizenship: **United States of America** Residence: **Plymouth, MN**
Post Office Address: **11430 - 50th Place North**
Plymouth, MN 55442

Signature: _____ Date: _____
Brian D. Anderson

Full Name of joint inventor number 6 : **Jeffrey Brede**
Citizenship: **United States of America** Residence: **Eden Prairie, MN**
Post Office Address: **8073 Curtis Lane**
Eden Prairie, MN 55347

Signature: _____ Date: _____
Jeffrey Brede

Full Name of joint inventor number 7 : **Mark S. Wadman**
Citizenship: **United States of America** Residence: **Eden Prairie, MN**
Post Office Address: **8956 Braxton Drive**
Eden Prairie, MN 55347

Signature: _____ Date: _____
Mark S. Wadman

Full Name of joint inventor number 8 : **Robert J. Kirscht**
Citizenship: **United States of America** Residence: **Savage, MN**
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Robert J. Kirscht

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Full Name of joint inventor number 9 : **James J. Herrmann**
Citizenship: **United States of America** Residence: **Eagan, MN**
Post Office Address: **1894 Sunrise Court**
Eagan, MN 55122

Signature: _____ Date: _____
James J. Herrmann

Full Name of joint inventor number 10 : **Michael J. Fort**
Citizenship: **United States of America** Residence: **Eagan, MN**
Post Office Address: **1045 Northview Park**
Eagan, MN 55123

Signature: _____ Date: _____
Michael J. Fort

Full Name of joint inventor number 11 : **Steven P. Buska**
Citizenship: **United States of America** Residence: **Minnetonka, MN**
Post Office Address: **13370 Stanton Drive**
Minnetonka, MN 55305

Signature: _____ Date: _____
Steven P. Buska

Full Name of joint inventor number 12 : **Jeff Solum**
Citizenship: **United States of America** Residence: **Bloomington, MN**
Post Office Address: **4900 West 78th Street**
Bloomington, MN 55435

Signature: _____ Date: _____
Jeff Solum

☒ Additional inventors are being named on separately numbered sheets, attached hereto.

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Full Name of joint inventor number 13 : **Debra Lea Enfield**
Citizenship: **United States of America** Residence: **Chaska, MN**
Post Office Address: **464 Ridge Court**
Chaska, MN 55318

Signature: _____ Date: _____
Debra Lea Enfield

Full Name of joint inventor number 14 : **Darrell Berg**
Citizenship: **United States of America** Residence: **Bloomington, MN**
Post Office Address: **4900 West 78th Street**
Bloomington, MN 55435

Signature: _____ Date: _____
Darrell Berg

Full Name of joint inventor number 15 : **Thomas Smigelski**
Citizenship: **United States of America** Residence: **Lake Zurich, IL**
Post Office Address: **230 Waterford Drive**
Lake Zurich, IL 60047

Signature: _____ Date: _____
Thomas Smigelski

Full Name of joint inventor number 16 : **Thomas C. Tucker**
Citizenship: **United States of America** Residence: **Chapel Hill, NC**
Post Office Address: **205 Silver Creek Trail**
Chapel Hill, NC 27514

Signature: _____ Date: 11/27/97
Thomas C. Tucker

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Full Name of joint inventor number 17: Joe Hall
Citizenship: United States of America Residence: Bloomington, MN
Post Office Address: 4900 West 78th Street
Bloomington, MN 55435

Signature: _____ Date: _____
Joe Hall

Full Name of joint inventor number 18: John M. Logajan
Citizenship: United States of America Residence: Arden Hills, MN
Post Office Address: 4248 Hamline Avenue
Arden Hills, MN 55112

Signature: _____ Date: _____
John M. Logajan

Full Name of joint inventor number 19: Somvay Boulouang
Citizenship: United States of America Residence: Bloomington, MN
Post Office Address: 4900 West 78th Street
Bloomington, MN 55435

Signature: _____ Date: _____
Somvay Boulouang

Full Name of joint inventor number 20: Heng Lou
Citizenship: United States of America Residence: Bloomington, MN
Post Office Address: 4900 West 78th Street
Bloomington, MN 55435

Signature: _____ Date: _____
Heng Lou

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Full Name of joint inventor number 21 : Mark D. Elpers
Citizenship: United States of America Residence: Elk River, MN
Post Office Address: 16303 205th Avenue NW
Elk River, MN 55330

Signature: _____ Date: _____
Mark D. Elpers

Full Name of joint inventor number 22 : Matt Downs
Citizenship: United States of America Residence: Bloomington, MN
Post Office Address: 4900 West 78th Street
Bloomington, MN 55435

Signature: _____ Date: _____
Matt Downs

Full Name of joint inventor number 23 : Tammy Ferris
Citizenship: United States of America Residence: Bloomington, MN
Post Office Address: 4900 West 78th Street
Bloomington, MN 55435

Signature: _____ Date: _____
Tammy Ferris

Full Name of joint inventor number 24 : Adam Opoczynski
Citizenship: United States of America Residence: Plano, TX
Post Office Address: 3705 Roxbury Lane
Plano, TX 75025

Signature: _____ Date: _____
Adam Opoczynski

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Full Name of joint inventor number 25 : **David S. Russell**
Citizenship: **United States of America** Residence: **Minneapolis, MN**
Post Office Address: **5145 Luverne Avenue**
Minneapolis, MN 55419

Signature: _____ Date: _____
David S. Russell

Full Name of joint inventor number 26 : **Calvin G. Nelson**
Citizenship: **United States of America** Residence: **Shorewood, MN**
Post Office Address: **26190 Birch Bluff Road**
Shorewood, MN 55331

Signature: _____ Date: _____
Calvin G. Nelson

Full Name of joint inventor number 27 : **Niranjan R. Samant**
Citizenship: **United States of America** Residence: **Middletown, CT**
Post Office Address: **229 Ridgefield Drive**
Middletown, CT 06547

Signature: _____ Date: _____
Niranjan R. Samant

Full Name of joint inventor number 28 : **Joseph F. Chiappetta**
Citizenship: **United States of America** Residence: **Trumbull, CT**
Post Office Address: **6 Ranch Drive**
Trumbull, CT 06611

Signature: _____ Date: _____
Joseph F. Chiappetta

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Full Name of joint inventor number 29 : **Scott Sarnikowski**
Citizenship: **United States of America** Residence: **Plymouth, MN**
Post Office Address: **13235 57th Avenue North**
Plymouth, MN 55442

Signature: _____ Date: _____
Scott Sarnikowski

Full Name of inventor:
Citizenship: Residence:
Post Office Address:

Signature: _____ Date: _____

Full Name of inventor:
Citizenship: Residence:
Post Office Address:

Signature: _____ Date: _____

Full Name of inventor:
Citizenship: Residence:
Post Office Address:

Signature: _____ Date: _____

§ 1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.

United States Patent Application

COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: COMMUNICATION SYSTEM WITH MULTICARRIER TELEPHONY TRANSPORT.

The specification of which was filed on June 28, 1996 as application serial no. 08/673,002 and was amended on September 24, 1996.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56 (see page 10 attached hereto).

I hereby claim foreign priority benefits under Title 35, United States Code, § 119/365 of any foreign application(s) for patent of inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

No such applications have been filed.

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below.

No such applications have been filed.

I hereby claim the benefit under Title 35, United States Code, § 120/365 of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

Application Number	Filing Date	Status
08/311,964	September 26, 1994	Allowed
08/457,317	June 1, 1995	Pending
08/457,295	June 1, 1995	Pending
08/650,408	May 20, 1996	Pending

I hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

Anglin, J. Michael	Reg. No. 24,916	Embretson, Janet E.	Reg. No. 39,665	Lempia, Bryan J.	Reg. No. 39,746
Bianchi, Timothy E.	Reg. No. 39,610	Fogg, David N.	Reg. No. 35,138	Litman, Mark A.	Reg. No. 26,390
Billig, Patrick G.	Reg. No. 38,080	Forrest, Bradley A.	Reg. No. 30,837	Lundberg, Steven W.	Reg. No. 30,568
Billion, Richard E.	Reg. No. 32,836	Holloway, Sheryl S.	Reg. No. 37,850	Schwegman, Micheal L.	Reg. No. 25,816
Brennan, Thomas F.	Reg. No. 35,075	Kalinowski, Leonard J.	Reg. No. 24,207	Slifer, Russell D.	Reg. No. 39,838
Burke, John E.	Reg. No. 35,836	Klima-Silberg, Catherine I.	Reg. No. 40,052	Viksnins, Ann S.	Reg. No. 37,748
Clark, Barbara J.	Reg. No. 38,107	Kluth, Daniel J.	Reg. No. 32,146	Woessner, Warren D.	Reg. No. 30,440
Dryja, Michael A.	Reg. No. 39,662	Lemaire, Charles A.	Reg. No. 36,198		

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/organization/who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Schwegman, Lundberg, Woessner & Kluth, P.A. to the contrary.

Please direct all correspondence in this case to Schwegman, Lundberg, Woessner & Kluth, P.A. at the address indicated below:

P.O. Box 2938, Minneapolis, MN 55402

Telephone No. (612)339-0331

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of joint inventor number 1 : **Mark J. Dapper**
Citizenship: **United States of America** Residence: **Cincinnati, OH**
Post Office Address: **6558 Baywood Lane**
Cincinnati, OH 45224

Signature: _____ Date: _____
Mark J. Dapper

Full Name of joint inventor number 2 : **Michael J. Geile**
Citizenship: **United States of America** Residence: **Loveland, OH**
Post Office Address: **316 Miami Valley Drive**
Loveland, OH 45140

Signature: _____ Date: _____
Michael J. Geile

Full Name of joint inventor number 3 : **Terrance J. Hill**
Citizenship: **United States of America** Residence: **Fairfield, OH**
Post Office Address: **1765 Garrett House Lane**
Fairfield, OH 45014

Signature: _____ Date: _____
Terrance J. Hill

Full Name of joint inventor number 4 : **Harold A. Roberts**
Citizenship: **United States of America** Residence: **Eden Prairie, MN**
Post Office Address: **7017 Beacon Circle**
Eden Prairie, MN 55346

Signature: _____ Date: _____
Harold A. Roberts

☒ Additional inventors are being named on separately numbered sheets, attached hereto.

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Full Name of joint inventor number 5 : **Brian D. Anderson**
Citizenship: **United States of America** Residence: **Plymouth, MN**
Post Office Address: **11430 - 50th Place North**
Plymouth, MN 55442

Signature: _____ Date: _____
Brian D. Anderson

Full Name of joint inventor number 6 : **Jeffrey Brede**
Citizenship: **United States of America** Residence: **Eden Prairie, MN**
Post Office Address: **8073 Curtis Lane**
Eden Prairie, MN 55347

Signature: _____ Date: _____
Jeffrey Brede

Full Name of joint inventor number 7 : **Mark S. Wadman**
Citizenship: **United States of America** Residence: **Eden Prairie, MN**
Post Office Address: **8956 Braxton Drive**
Eden Prairie, MN 55347

Signature: _____ Date: _____
Mark S. Wadman

Full Name of joint inventor number 8 : **Robert J. Kirscht**
Citizenship: **United States of America** Residence: **Savage, MN**
Post Office Address: **13106 Vernon Avenue South**
Savage, MN 55378

Signature: _____ Date: _____
Robert J. Kirscht

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Full Name of joint inventor number 9 : James J. Herrmann
Citizenship: United States of America Residence: Eagan, MN
Post Office Address: 1894 Sunrise Court
Eagan, MN 55122

Signature: _____ Date: _____
James J. Herrmann

Full Name of joint inventor number 10 : Michael J. Fort
Citizenship: United States of America Residence: Eagan, MN
Post Office Address: 1045 Northview Park
Eagan, MN 55123

Signature: _____ Date: _____
Michael J. Fort

Full Name of joint inventor number 11 : Steven P. Buska
Citizenship: United States of America Residence: Minnetonka, MN
Post Office Address: 13370 Stanton Drive
Minnetonka, MN 55305

Signature: _____ Date: _____
Steven P. Buska

Full Name of joint inventor number 12 : Jeff Solum
Citizenship: United States of America Residence: Bloomington, MN
Post Office Address: 4900 West 78th Street
Bloomington, MN 55435

Signature: _____ Date: _____
Jeff Solum

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Citizenship: **United States of America** Residence: **Chaska, MN**
Post Office Address: **464 Ridge Court**
Chaska, MN 55318

Signature: _____ Date: _____
Debra Lea Enfield

Full Name of joint inventor number 14 : **Darrell Berg**
Citizenship: **United States of America** Residence: **Bloomington, MN**
Post Office Address: **4900 West 78th Street**
Bloomington, MN 55435

Signature: _____ Date: _____
Darrell Berg

Full Name of joint inventor number 15 : **Thomas Smigelski**
Citizenship: **United States of America** Residence: **Lake Zurich, IL**
Post Office Address: **230 Waterford Drive**
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Signature: _____ Date: _____
Thomas Smigelski

Full Name of joint inventor number 16 : **Thomas C. Tucker**
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Post Office Address: 4248 Hamline Avenue
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Citizenship: United States of America Residence: Bloomington, MN
Post Office Address: 4900 West 78th Street
Bloomington, MN 55435

Signature: _____ Date: _____
Somvay Boulouang

Full Name of joint inventor number 20: Heng Lou
Citizenship: United States of America Residence: Bloomington, MN
Post Office Address: 4900 West 78th Street
Bloomington, MN 55435

Signature: _____ Date: _____
Heng Lou

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Full Name of joint inventor number 21 : Mark D. Elpers
Citizenship: United States of America Residence: Elk River, MN
Post Office Address: 16303 205th Avenue NW
Elk River, MN 55330

Signature: _____

Mark D. Elpers

Date: _____

1/21/97

Full Name of joint inventor number 22 : Matt Downs
Citizenship: United States of America Residence: Bloomington, MN
Post Office Address: 4900 West 78th Street
Bloomington, MN 55435

Signature: _____

Matt Downs

Date: _____

1-21-97

Full Name of joint inventor number 23 : Tammy Ferris
Citizenship: United States of America Residence: Bloomington, MN
Post Office Address: 4900 West 78th Street
Bloomington, MN 55435

Signature: _____

Tammy Ferris

Date: _____

Full Name of joint inventor number 24 : Adam Opoczynski
Citizenship: United States of America Residence: Plano, TX
Post Office Address: 3705 Roxbury Lane
Plano, TX 75025

Signature: _____

Adam Opoczynski

Date: _____

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Full Name of joint inventor number 21 : **Mark D. Elpers**
Citizenship: **United States of America** Residence: **Elk River, MN**
Post Office Address: **16303 205th Avenue NW**
Elk River, MN 55330

Signature:  Date: 1/21/97
Mark D. Elpers

Full Name of joint inventor number 22 : **Matt Downs**
Citizenship: **United States of America** Residence: **Bloomington, MN**
Post Office Address: **4900 West 78th Street**
Bloomington, MN 55435

Signature: _____ Date: _____
Matt Downs

Full Name of joint inventor number 23 : **Tammy Ferris**
Citizenship: **United States of America** Residence: **Bloomington, MN**
Post Office Address: **4900 West 78th Street**
Bloomington, MN 55435

Signature:  Date: 1-21-97
Tammy Ferris

Full Name of joint inventor number 24 : **Adam Opoczynski**
Citizenship: **United States of America** Residence: **Plano, TX**
Post Office Address: **3705 Roxbury Lane**
Plano, TX 75025

Signature: _____ Date: _____
Adam Opoczynski

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Shorewood, MN 55331

Signature: _____ Date: _____
Calvin G. Nelson

Full Name of joint inventor number 27 : **Niranjan R. Samant**
Citizenship: **United States of America / N/A** Residence: **Middletown, CT**
Post Office Address: **229 Ridgefield Drive**
Middletown, CT 06547

Signature: _____ Date: 1/23/97
Niranjan R. Samant

Full Name of joint inventor number 28 : **Joseph F. Chiappetta**
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Signature: _____ Date: _____
 Scott Sarnikowski

Full Name of inventor:

Citizenship:

Residence:

Post Office Address:

Signature: _____ Date: _____

Full Name of inventor:

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Residence:

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Post Office Address:

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SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.

United States Patent Application

COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: COMMUNICATION SYSTEM WITH MULTICARRIER TELEPHONY TRANSPORT.

The specification of which was filed on June 28, 1996 as application serial no. 08/673,002 and was amended on September 24, 1996.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56 (see page 10 attached hereto).

I hereby claim foreign priority benefits under Title 35, United States Code, § 119/365 of any foreign application(s) for patent of inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

No such applications have been filed.

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below.

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<u>Application Number</u>	<u>Filing Date</u>	<u>Status</u>
08/311,964	September 26, 1994	Allowed
08/457,317	June 1, 1995	Pending
08/457,295	June 1, 1995	Pending
08/650,408	May 20, 1996	Pending

I hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

Anglin, J. Michael	Reg. No. 24,916	Embretson, Janet E.	Reg. No. 39,665	Lempia, Bryan J.	Reg. No. 39,746
Bianchi, Timothy E.	Reg. No. 39,610	Fogg, David N.	Reg. No. 35,138	Litman, Mark A.	Reg. No. 26,390
Billig, Patrick G.	Reg. No. 38,080	Forrest, Bradley A.	Reg. No. 30,837	Lundberg, Steven W.	Reg. No. 30,568
Billion, Richard E.	Reg. No. 32,836	Holloway, Sheryl S.	Reg. No. 37,850	Schwegman, Michael L.	Reg. No. 25,816
Brennan, Thomas F.	Reg. No. 35,075	Kalinowski, Leonard J.	Reg. No. 24,207	Slifer, Russell D.	Reg. No. 39,838
Burke, John E.	Reg. No. 35,836	Klima-Silberg, Catherine I.	Reg. No. 40,052	Viksnins, Ann S.	Reg. No. 37,748
Clark, Barbara J.	Reg. No. 38,107	Kluth, Daniel J.	Reg. No. 32,146	Woessner, Warren D.	Reg. No. 30,440
Dryja, Michael A.	Reg. No. 39,662	Lemaire, Charles A.	Reg. No. 36,198		

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P.O. Box 2938, Minneapolis, MN 55402
Telephone No. (612)339-0331

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Full Name of joint inventor number 1 : **Mark J. Dapper**
Citizenship: **United States of America** Residence: **Cincinnati, OH**
Post Office Address: **6558 Baywood Lane**
Cincinnati, OH 45224

Signature: _____ Date: _____
Mark J. Dapper

Full Name of joint inventor number 2 : **Michael J. Geile**
Citizenship: **United States of America** Residence: **Loveland, OH**
Post Office Address: **316 Miami Valley Drive**
Loveland, OH 45140

Signature: _____ Date: _____
Michael J. Geile

Full Name of joint inventor number 3 : **Terrance J. Hill**
Citizenship: **United States of America** Residence: **Fairfield, OH**
Post Office Address: **1765 Garrett House Lane**
Fairfield, OH 45014

Signature: _____ Date: _____
Terrance J. Hill

Full Name of joint inventor number 4 : **Harold A. Roberts**
Citizenship: **United States of America** Residence: **Eden Prairie, MN**
Post Office Address: **7017 Beacon Circle**
Eden Prairie, MN 55346

Signature: *Harold A. Roberts* Date: 11/21/97
Harold A. Roberts

☒ Additional inventors are being named on separately numbered sheets, attached hereto.

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Full Name of joint inventor number 5: **Brian D. Anderson**

Citizenship: **United States of America**

Residence: **Plymouth, MN**

Post Office Address: **11430 - 50th Place North
Plymouth, MN 55442**

Signature: 

Brian D. Anderson

Date: 1/24/97

Full Name of joint inventor number 6: **Jeffrey Brede**

Citizenship: **United States of America**

Residence: **Eden Prairie, MN**

Post Office Address: **8073 Curtis Lane
Eden Prairie, MN 55347**

Signature: 

Jeffrey Brede

Date: 1/22/97

Full Name of joint inventor number 7: **Mark S. Wadman**

Citizenship: **United States of America**

Residence: **Eden Prairie, MN**

Post Office Address: **8956 Braxton Drive
Eden Prairie, MN 55347**

Signature: _____

Mark S. Wadman

Date: _____

Full Name of joint inventor number 8: **Robert J. Kirscht**

Citizenship: **United States of America**

Residence: **Savage, MN**

Post Office Address: **13106 Vernon Avenue South
Savage, MN 55378**

Signature: 

Robert J. Kirscht

Date: 1-21-97

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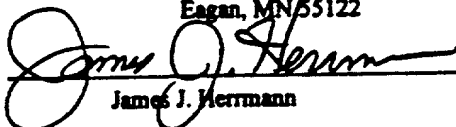
Full Name of joint inventor number 9: James J. Herrmann

Citizenship: United States of America

Residence: Eagan, MN

Post Office Address: 1894 Sunrise Court
Eagan, MN 55122

Signature: _____


James J. Herrmann

Date: _____

1/23/97

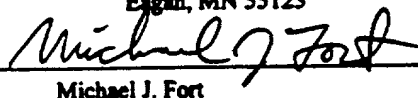
Full Name of joint inventor number 10: Michael J. Fort

Citizenship: United States of America

Residence: Eagan, MN

Post Office Address: 1045 Northview Park
Eagan, MN 55123

Signature: _____


Michael J. Fort

Date: _____

1/22/97

Full Name of joint inventor number 11: Steven P. Buska

Citizenship: United States of America

Residence: Minnetonka, MN

Post Office Address: 13370 Stanton Drive
Minnetonka, MN 55305

Signature: _____


Steven P. Buska

Date: _____

1/22/97

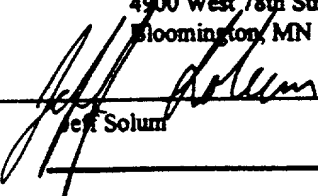
Full Name of joint inventor number 12: Jeff Solum

Citizenship: United States of America

Residence: Bloomington, MN

Post Office Address: 4900 West 78th Street
Bloomington, MN 55435

Signature: _____


Jeff Solum

Date: _____

1/20 1/21/97

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Full Name of joint inventor number 13 : **Debra Lea Enfield**
Citizenship: **United States of America** Residence: **Chaska, MN**
Post Office Address: **464 Ridge Court**
Chaska, MN 55318

Signature: _____ Date: _____
Debra Lea Enfield

Full Name of joint inventor number 14 : **Darrell Berg**
Citizenship: **United States of America** Residence: **Bloomington, MN**
Post Office Address: **4900 West 78th Street**
Bloomington, MN 55435

Signature: *Darrell E. Berg* Date: 1/12/97
Darrell Berg

Full Name of joint inventor number 15 : **Thomas Smigelski**
Citizenship: **United States of America** Residence: **Lake Zurich, IL**
Post Office Address: **230 Waterford Drive**
Lake Zurich, IL 60047

Signature: _____ Date: _____
Thomas Smigelski

Full Name of joint inventor number 16 : **Thomas C. Tucker**
Citizenship: **United States of America** Residence: **Chapel Hill, NC**
Post Office Address: **205 Silver Creek Trail**
Chapel Hill, NC 27514

Signature: _____ Date: _____
Thomas C. Tucker

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Full Name of joint inventor number 17: **Joe Hall**
Citizenship: **United States of America** Residence: **Bloomington, MN**
Post Office Address: **4900 West 78th Street**
Bloomington, MN 55435

Signature: _____

Joe Hall
Joe Hall

Date: _____

1/21/97

Full Name of joint inventor number 18: **John M. Logajan**
Citizenship: **United States of America** Residence: **Arden Hills, MN**
Post Office Address: **4248 Hamline Avenue**
Arden Hills, MN 55112

Signature: _____

John M. Logajan
John M. Logajan

Date: _____

1/21/97

Full Name of joint inventor number 19: **Somvay Boulouang**
Citizenship: **United States of America** Residence: **Bloomington, MN**
Post Office Address: **4900 West 78th Street**
Bloomington, MN 55435

Signature: _____

Somvay Boulouang
Somvay Boulouang

Date: _____

1/21/97

Full Name of joint inventor number 20: **Heng Lou**
Citizenship: **United States of America** Residence: **Bloomington, MN**
Post Office Address: **4900 West 78th Street**
Bloomington, MN 55435

Signature: _____

Heng Lou
Heng Lou

Date: _____

1/22/97

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Full Name of joint inventor number 21 : **Mark D. Elpers**
Citizenship: **United States of America** Residence: **Elk River, MN**
Post Office Address: **16303 205th Avenue NW**
Elk River, MN 55330

Signature: _____ Date: _____
Mark D. Elpers

Full Name of joint inventor number 22 : **Matt Downs**
Citizenship: **United States of America** Residence: **Bloomington, MN**
Post Office Address: **4900 West 78th Street**
Bloomington, MN 55435

Signature: _____ Date: _____
Matt Downs

Full Name of joint inventor number 23 : **Tammy Ferris**
Citizenship: **United States of America** Residence: **Bloomington, MN**
Post Office Address: **4900 West 78th Street**
Bloomington, MN 55435

Signature: _____ Date: _____
Tammy Ferris

Full Name of joint inventor number 24 : **Adam Opoczynski**
Citizenship: **United States of America** Residence: **Plano, TX**
Post Office Address: **3705 Roxbury Lane**
Plano, TX 75025

Signature: _____ Date: _____
Adam Opoczynski

X Additional inventors are being named on separately numbered sheets, attached hereto.

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Full Name of joint inventor number 25 : David S. Russell
Citizenship: United States of America
Post Office Address: 5145 Laverne Avenue
Minneapolis, MN 55419

Residence: Minneapolis, MN

Signature: _____

David S. Russell

Date: _____

January 22, 1997

Full Name of joint inventor number 26 : Calvin G. Nelson
Citizenship: United States of America
Post Office Address: 26190 Birch Bluff Road
Shorewood, MN 55331

Residence: Shorewood, MN

Signature: _____

Calvin G. Nelson

Date: _____

Full Name of joint inventor number 27 : Niranjan R. Samant
Citizenship: United States of America
Post Office Address: 229 Ridgefield Drive
Middletown, CT 06547

Residence: Middletown, CT

Signature: _____

Niranjan R. Samant

Date: _____

Full Name of joint inventor number 28 : Joseph F. Chiappetta
Citizenship: United States of America
Post Office Address: 6 Ranch Drive
Trumbull, CT 06611

Residence: Trumbull, CT

Signature: _____

Joseph F. Chiappetta

Date: _____

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Full Name of joint inventor number 29 : **Scott Sarnikowski**

Citizenship: **United States of America**

Residence: **Plymouth, MN**

Post Office Address: **13235 57th Avenue North
Plymouth, MN 55442**

Signature: _____

Scott Sarnikowski

Date: _____

Full Name of inventor:

Citizenship:

Residence:

Post Office Address:

Signature: _____

Date: _____

Full Name of inventor:

Citizenship:

Residence:

Post Office Address:

Signature: _____

Date: _____

Full Name of inventor:

Citizenship:

Residence:

Post Office Address:

Signature: _____

Date: _____

§ 1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.

United States Patent Application

COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

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Brennan, Thomas F.	Reg. No. 35,075	Kalinowski, Leonard J.	Reg. No. 24,207	Sliifer, Russell D.	Reg. No. 39,838
Burke, John E.	Reg. No. 35,836	Klima-Silberg, Catherine I.	Reg. No. 40,052	Viksnins, Ann S.	Reg. No. 37,748
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Dryja, Michael A.	Reg. No. 39,662	Lemaire, Charles A.	Reg. No. 36,198		

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Full Name of joint inventor number 1 : **Mark J. Dapper**
Citizenship: **United States of America** Residence: **Cincinnati, OH**
Post Office Address: **6558 Baywood Lane**
Cincinnati, OH 45224

Signature: _____ Date: _____
Mark J. Dapper

Full Name of joint inventor number 2 : **Michael J. Geile**
Citizenship: **United States of America** Residence: **Loveland, OH**
Post Office Address: **316 Miami Valley Drive**
Loveland, OH 45140

Signature: _____ Date: _____
Michael J. Geile

Full Name of joint inventor number 3 : **Terrance J. Hill**
Citizenship: **United States of America** Residence: **Fairfield, OH**
Post Office Address: **1765 Garrett House Lane**
Fairfield, OH 45014

Signature: _____ Date: _____
Terrance J. Hill

Full Name of joint inventor number 4 : **Harold A. Roberts**
Citizenship: **United States of America** Residence: **Eden Prairie, MN**
Post Office Address: **7017 Beacon Circle**
Eden Prairie, MN 55346

Signature: _____ Date: _____
Harold A. Roberts

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Full Name of joint inventor number 5: **Brian D. Anderson**
Citizenship: **United States of America**
Post Office Address: **11430 - 50th Place North
Plymouth, MN 55442**

Residence: **Plymouth, MN**

Signature: _____
Brian D. Anderson

Date: _____

Full Name of joint inventor number 6: **Jeffrey Brede**
Citizenship: **United States of America**
Post Office Address: **8073 Curtis Lane
Eden Prairie, MN 55347**

Residence: **Eden Prairie, MN**

Signature: _____
Jeffrey Brede

Date: _____

Full Name of joint inventor number 7: **Mark S. Wadman**
Citizenship: **United States of America**
Post Office Address: **8956 Braxton Drive
Eden Prairie, MN 55347**

Residence: **Eden Prairie, MN**

Signature: _____
Mark S. Wadman

Date: _____

Full Name of joint inventor number 8: **Robert J. Kirscht**
Citizenship: **United States of America**
Post Office Address: **13106 Vernon Avenue South
Savage, MN 55378**

Residence: **Savage, MN**

Signature: _____
Robert J. Kirscht

Date: _____

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Citizenship: **United States of America** Residence: **Eagan, MN**
Post Office Address: **1894 Sunrise Court**
Eagan, MN 55122

Signature: _____ Date: _____
James J. Herrmann

Full Name of joint inventor number 10 : **Michael J. Fort**
Citizenship: **United States of America** Residence: **Eagan, MN**
Post Office Address: **1045 Northview Park**
Eagan, MN 55123

Signature: _____ Date: _____
Michael J. Fort

Full Name of joint inventor number 11 : **Steven P. Buska**
Citizenship: **United States of America** Residence: **Minnetonka, MN**
Post Office Address: **13370 Stanton Drive**
Minnetonka, MN 55305

Signature: _____ Date: _____
Steven P. Buska

Full Name of joint inventor number 12 : **Jeff Solum**
Citizenship: **United States of America** Residence: **Bloomington, MN**
Post Office Address: **4900 West 78th Street**
Bloomington, MN 55435

Signature: _____ Date: _____
Jeff Solum

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Chur Ref. 500.6231/51
Serial No. 08/673,002
Filing Date: June 28, 1996

Page 5 of 10

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Citizenship: United States of America Residence: Chaska, MN
Post Office Address: 464 Ridge Court
Chaska, MN 55318

Signature: _____ Date: _____
Debra Lea Enfield

Full Name of joint inventor number 14: Darrell Berg
Citizenship: United States of America Residence: Bloomington, MN
Post Office Address: 4900 West 78th Street
Bloomington, MN 55435

Signature: _____ Date: _____
Darrell Berg

Full Name of joint inventor number 15: Thomas Smigelski
Citizenship: United States of America Residence: Lake Zurich, IL
Post Office Address: 230 Waterford Drive
Lake Zurich, IL 60047

Signature: Thomas Smigelski Date: 1/29/96
Thomas Smigelski

Full Name of joint inventor number 16: Thomas C. Tucker
Citizenship: United States of America Residence: Chapel Hill, NC
Post Office Address: 205 Silver Creek Trail
Chapel Hill, NC 27514

Signature: _____ Date: _____
Thomas C. Tucker

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Full Name of joint inventor number 17 : **Joe Hall**
Citizenship: **United States of America** Residence: **Bloomington, MN**
Post Office Address: **4900 West 78th Street**
Bloomington, MN 55435

Signature: _____ Date: _____
Joe Hall

Full Name of joint inventor number 18 : **John M. Logajan**
Citizenship: **United States of America** Residence: **Arden Hills, MN**
Post Office Address: **4248 Hamline Avenue**
Arden Hills, MN 55112

Signature: _____ Date: _____
John M. Logajan

Full Name of joint inventor number 19 : **Somvay Boulouang**
Citizenship: **United States of America** Residence: **Bloomington, MN**
Post Office Address: **4900 West 78th Street**
Bloomington, MN 55435

Signature: _____ Date: _____
Somvay Boulouang

Full Name of joint inventor number 20 : **Heng Lou**
Citizenship: **United States of America** Residence: **Bloomington, MN**
Post Office Address: **4900 West 78th Street**
Bloomington, MN 55435

Signature: _____ Date: _____
Heng Lou

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Full Name of joint inventor number 21 : **Mark D. Elpers**
Citizenship: **United States of America** Residence: **Elk River, MN**
Post Office Address: **16303 205th Avenue NW**
Elk River, MN 55330

Signature: _____ Date: _____
Mark D. Elpers

Full Name of joint inventor number 22 : **Matt Downs**
Citizenship: **United States of America** Residence: **Bloomington, MN**
Post Office Address: **4900 West 78th Street**
Bloomington, MN 55435

Signature: _____ Date: _____
Matt Downs

Full Name of joint inventor number 23 : **Tammy Ferris**
Citizenship: **United States of America** Residence: **Bloomington, MN**
Post Office Address: **4900 West 78th Street**
Bloomington, MN 55435

Signature: _____ Date: _____
Tammy Ferris

Full Name of joint inventor number 24 : **Adam Opoczynski**
Citizenship: **United States of America** Residence: **Plano, TX**
Post Office Address: **3705 Roxbury Lane**
Plano, TX 75025

Signature: _____ Date: **Jan. 24, 1997**
Adam Opoczynski

☒ Additional inventors are being named on separately numbered sheets, attached hereto.

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Full Name of joint inventor number 25 : David S. Russell
Citizenship: United States of America Residence: Minneapolis, MN
Post Office Address: 5145 Luverne Avenue
Minneapolis, MN 55419

Signature: _____ Date: _____
David S. Russell

Full Name of joint inventor number 26 : Calvin G. Nelson
Citizenship: United States of America Residence: Shorewood, MN
Post Office Address: 26190 Birch Bluff Road
Shorewood, MN 55331

Signature: _____ Date: _____
Calvin G. Nelson

Full Name of joint inventor number 27 : Niranjan R. Samant
Citizenship: United States of America Residence: Middletown, CT
Post Office Address: 229 Ridgefield Drive
Middletown, CT 06547

Signature: _____ Date: _____
Niranjan R. Samant

Full Name of joint inventor number 28 : Joseph F. Chiappetta
Citizenship: United States of America Residence: Trumbull, CT
Post Office Address: 6 Ranch Drive
Trumbull, CT 06611

Signature: _____ Date: _____
Joseph F. Chiappetta

☒ Additional inventors are being named on separately numbered sheets, attached hereto.

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Full Name of joint inventor number 29 : **Scott Sarnikowski**
Citizenship: **United States of America** Residence: **Plymouth, MN**
Post Office Address: **13235 57th Avenue North**
Plymouth, MN 55442

Signature: _____ Date: _____
 Scott Sarnikowski

Full Name of inventor: _____
Citizenship: _____ Residence: _____
Post Office Address: _____

Signature: _____ Date: _____

Full Name of inventor: _____
Citizenship: _____ Residence: _____
Post Office Address: _____

Signature: _____ Date: _____

Full Name of inventor: _____
Citizenship: _____ Residence: _____
Post Office Address: _____

Signature: _____ Date: _____

§ 1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.

United States Patent Application

COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: **COMMUNICATION SYSTEM WITH MULTICARRIER TELEPHONY TRANSPORT**.

The specification of which was filed on June 28, 1996 as application serial no. 08/673,002 and was amended on September 24, 1996.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56 (see page 10 attached hereto).

I hereby claim foreign priority benefits under Title 35, United States Code, § 119/365 of any foreign application(s) for patent of inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

No such applications have been filed.

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below.

No such applications have been filed.

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<u>Application Number</u>	<u>Filing Date</u>	<u>Status</u>
08/311,964	September 26, 1994	Allowed
08/457,317	June 1, 1995	Pending
08/457,295	June 1, 1995	Pending
08/650,408	May 20, 1996	Pending

I hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

Anglin, J. Michael	Reg. No. 24,916	Embretson, Janet E.	Reg. No. 39,665	Lempia, Bryan J.	Reg. No. 39,746
Bianchi, Timothy E.	Reg. No. 39,610	Fogg, David N.	Reg. No. 35,138	Litman, Mark A.	Reg. No. 26,390
Billig, Patrick G.	Reg. No. 38,080	Forrest, Bradley A.	Reg. No. 30,837	Lundberg, Steven W.	Reg. No. 30,568
Billion, Richard E.	Reg. No. 32,836	Holloway, Sheryl S.	Reg. No. 37,850	Schwegman, Micheal L.	Reg. No. 25,816
Brennan, Thomas F.	Reg. No. 35,075	Kalinowski, Leonard J.	Reg. No. 24,207	Slifer, Russell D.	Reg. No. 39,838
Burke, John E.	Reg. No. 35,836	Klima-Silberg, Catherine I.	Reg. No. 40,052	Viksins, Ann S.	Reg. No. 37,748
Clark, Barbara J.	Reg. No. 38,107	Kluth, Daniel J.	Reg. No. 32,146	Woessner, Warren D.	Reg. No. 30,440
Dryja, Michael A.	Reg. No. 39,662	Lemaire, Charles A.	Reg. No. 36,198		

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/organization/who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Schwegman, Lundberg, Woessner & Kluth, P.A. to the contrary.

Please direct all correspondence in this case to Schwegman, Lundberg, Woessner & Kluth, P.A. at the address indicated below:
P.O. Box 2938, Minneapolis, MN 55402
Telephone No. (612)339-0331

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of joint inventor number 1 : **Mark J. Dapper**
Citizenship: **United States of America** Residence: **Cincinnati, OH**
Post Office Address: **6558 Baywood Lane**
Cincinnati, OH 45224

Signature: _____ Date: _____
Mark J. Dapper

Full Name of joint inventor number 2 : **Michael J. Geile**
Citizenship: **United States of America** Residence: **Loveland, OH**
Post Office Address: **316 Miami Valley Drive**
Loveland, OH 45140

Signature: _____ Date: _____
Michael J. Geile

Full Name of joint inventor number 3 : **Terrance J. Hill**
Citizenship: **United States of America** Residence: **Fairfield, OH**
Post Office Address: **1765 Garrett House Lane**
Fairfield, OH 45014

Signature: _____ Date: _____
Terrance J. Hill

Full Name of joint inventor number 4 : **Harold A. Roberts**
Citizenship: **United States of America** Residence: **Eden Prairie, MN**
Post Office Address: **7017 Beacon Circle**
Eden Prairie, MN 55346

Signature: _____ Date: _____
Harold A. Roberts

☒ Additional inventors are being named on separately numbered sheets, attached hereto.

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Full Name of joint inventor number 5 : **Brian D. Anderson**
Citizenship: **United States of America**
Post Office Address: **11430 - 50th Place North
Plymouth, MN 55442**

Residence: **Plymouth, MN**

Signature: _____ Date: _____
Brian D. Anderson

Full Name of joint inventor number 6 : **Jeffrey Brede**
Citizenship: **United States of America**
Post Office Address: **8073 Curtis Lane
Eden Prairie, MN 55347**

Residence: **Eden Prairie, MN**

Signature: _____ Date: _____
Jeffrey Brede

Full Name of joint inventor number 7 : **Mark S. Wadman**
Citizenship: **United States of America**
Post Office Address: **8956 Braxton Drive
Eden Prairie, MN 55347**

Residence: **Eden Prairie, MN**

Signature: _____ Date: _____
Mark S. Wadman

Full Name of joint inventor number 8 : **Robert J. Kirscht**
Citizenship: **United States of America**
Post Office Address: **13106 Vernon Avenue South
Savage, MN 55378**

Residence: **Savage, MN**

Signature: _____ Date: _____
Robert J. Kirscht

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Full Name of joint inventor number 9 : **James J. Herrmann**

Citizenship: **United States of America**

Residence: **Eagan, MN**

Post Office Address: **1894 Sunrise Court
Eagan, MN 55122**

Signature: _____
James J. Herrmann

Date: _____

Full Name of joint inventor number 10 : **Michael J. Fort**

Citizenship: **United States of America**

Residence: **Eagan, MN**

Post Office Address: **1045 Northview Park
Eagan, MN 55123**

Signature: _____
Michael J. Fort

Date: _____

Full Name of joint inventor number 11 : **Steven P. Buska**

Citizenship: **United States of America**

Residence: **Minnetonka, MN**

Post Office Address: **13370 Stanton Drive
Minnetonka, MN 55305**

Signature: _____
Steven P. Buska

Date: _____

Full Name of joint inventor number 12 : **Jeff Solum**

Citizenship: **United States of America**

Residence: **Bloomington, MN**

Post Office Address: **4900 West 78th Street
Bloomington, MN 55435**

Signature: _____
Jeff Solum

Date: _____

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Full Name of joint inventor number 13 : **Debra Lea Enfield**

Citizenship: **United States of America**

Residence: **Chaska, MN**

Post Office Address: **464 Ridge Court
Chaska, MN 55318**

Signature: _____

Debra Lea Enfield

Date: _____

Full Name of joint inventor number 14 : **Darrell Berg**

Citizenship: **United States of America**

Residence: **Bloomington, MN**

Post Office Address: **4900 West 78th Street
Bloomington, MN 55435**

Signature: _____

Darrell Berg

Date: _____

Full Name of joint inventor number 15 : **Thomas Smigelski**

Citizenship: **United States of America**

Residence: **Lake Zurich, IL**

Post Office Address: **230 Waterford Drive
Lake Zurich, IL 60047**

Signature: _____

Thomas Smigelski

Date: _____

Full Name of joint inventor number 16 : **Thomas C. Tucker**

Citizenship: **United States of America**

Residence: **Chapel Hill, NC**

Post Office Address: **205 Silver Creek Trail
Chapel Hill, NC 27514**

Signature: _____

Thomas C. Tucker

Date: _____

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Post Office Address: **4900 West 78th Street**
Bloomington, MN 55435

Signature: _____ Date: _____
Somvay Boualouang

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Residence: **Elk River, MN**

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Mark D. Elpers

Date: _____

Full Name of joint inventor number 22 : **Matt Downs**
Citizenship: **United States of America**
Post Office Address: **4900 West 78th Street
Bloomington, MN 55435**

Residence: **Bloomington, MN**

Signature: _____
Matt Downs

Date: _____

Full Name of joint inventor number 23 : **Tammy Ferris**
Citizenship: **United States of America**
Post Office Address: **4900 West 78th Street
Bloomington, MN 55435**

Residence: **Bloomington, MN**

Signature: _____
Tammy Ferris

Date: _____

Full Name of joint inventor number 24 : **Adam Opoczynski**
Citizenship: **United States of America**
Post Office Address: **3705 Roxbury Lane
Plano, TX 75025**

Residence: **Plano, TX**

Signature: _____
Adam Opoczynski

Date: _____

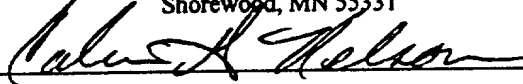
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Post Office Address: 5145 Luverne Avenue
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Post Office Address: 26190 Birch Bluff Road
Shorewood, MN 55331

Signature:  Date: May 20, 1997
Calvin G. Nelson

Full Name of joint inventor number 27 : Niranjana R. Samant
Citizenship: United States of America Residence: Middletown, CT
Post Office Address: 229 Ridgefield Drive
Middletown, CT 06547

Signature: _____ Date: _____
Niranjana R. Samant

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Residence: **Plymouth, MN**

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Full Name of inventor:
Citizenship:
Post Office Address:

Residence:

Signature: _____ Date: _____

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SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.

United States Patent Application

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I verily believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: **COMMUNICATION SYSTEM WITH MULTICARRIER TELEPHONY TRANSPORT**.

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<u>Application Number</u>	<u>Filing Date</u>	<u>Status</u>
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08/457,317	June 1, 1995	Pending
08/457,295	June 1, 1995	Pending
08/650,408	May 20, 1996	Pending

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Bianchi, Timothy E.	Reg. No. 39,610	Fogg, David N.	Reg. No. 35,138	Litman, Mark A.	Reg. No. 26,390
Billig, Patrick G.	Reg. No. 38,080	Forrest, Bradley A.	Reg. No. 30,837	Lundberg, Steven W.	Reg. No. 30,568
Billion, Richard E.	Reg. No. 32,836	Holloway, Sheryl S.	Reg. No. 37,850	Schwegman, Micheal L.	Reg. No. 25,816
Brennan, Thomas F.	Reg. No. 35,075	Kalinowski, Leonard J.	Reg. No. 24,207	Sliker, Russell D.	Reg. No. 39,838
Burke, John E.	Reg. No. 35,836	Klima-Silberg, Catherine I.	Reg. No. 40,052	Viksins, Ann S.	Reg. No. 37,748
Clark, Barbara J.	Reg. No. 38,107	Kluth, Daniel J.	Reg. No. 32,146	Woessner, Warren D.	Reg. No. 30,440
Dryja, Michael A.	Reg. No. 39,662	Lemaire, Charles A.	Reg. No. 36,198		

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/organization/who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Schwegman, Lundberg, Woessner & Kluth, P.A. to the contrary.

Please direct all correspondence in this case to Schwegman, Lundberg, Woessner & Kluth, P.A. at the address indicated below:
P.O. Box 2938, Minneapolis, MN 55402
Telephone No. (612)339-0331

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Full Name of joint inventor number 1 : **Mark J. Dapper**
Citizenship: **United States of America** Residence: **Cincinnati, OH**
Post Office Address: **6558 Baywood Lane**
Cincinnati, OH 45224

Signature: _____ Date: _____
Mark J. Dapper

Full Name of joint inventor number 2 : **Michael J. Geile**
Citizenship: **United States of America** Residence: **Loveland, OH**
Post Office Address: **316 Miami Valley Drive**
Loveland, OH 45140

Signature: _____ Date: _____
Michael J. Geile

Full Name of joint inventor number 3 : **Terrance J. Hill**
Citizenship: **United States of America** Residence: **Fairfield, OH**
Post Office Address: **1765 Garrett House Lane**
Fairfield, OH 45014

Signature: _____ Date: _____
Terrance J. Hill

Full Name of joint inventor number 4 : **Harold A. Roberts**
Citizenship: **United States of America** Residence: **Eden Prairie, MN**
Post Office Address: **7017 Beacon Circle**
Eden Prairie, MN 55346

Signature: _____ Date: _____
Harold A. Roberts

☒ Additional inventors are being named on separately numbered sheets, attached hereto.

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Full Name of joint inventor number 5 : **Brian D. Anderson**

Citizenship: **United States of America**

Residence: **Plymouth, MN**

Post Office Address: **11430 - 50th Place North
Plymouth, MN 55442**

Signature: _____
Brian D. Anderson

Date: _____

Full Name of joint inventor number 6 : **Jeffrey Brede**

Citizenship: **United States of America**

Residence: **Eden Prairie, MN**

Post Office Address: **8073 Curtis Lane
Eden Prairie, MN 55347**

Signature: _____
Jeffrey Brede

Date: _____

Full Name of joint inventor number 7 : **Mark S. Wadman**

Citizenship: **United States of America**

Residence: **Eden Prairie, MN**

Post Office Address: **8956 Braxton Drive
Eden Prairie, MN 55347**

Signature: _____
Mark S. Wadman

Date: _____

Full Name of joint inventor number 8 : **Robert J. Kirscht**

Citizenship: **United States of America**

Residence: **Savage, MN**

Post Office Address: **13106 Vernon Avenue South
Savage, MN 55378**

Signature: _____
Robert J. Kirscht

Date: _____

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Full Name of joint inventor number 9 : **James J. Herrmann**

Citizenship: **United States of America**

Residence: **Eagan, MN**

Post Office Address: **1894 Sunrise Court
Eagan, MN 55122**

Signature: _____

James J. Herrmann

Date: _____

Full Name of joint inventor number 10 : **Michael J. Fort**

Citizenship: **United States of America**

Residence: **Eagan, MN**

Post Office Address: **1045 Northview Park
Eagan, MN 55123**

Signature: _____

Michael J. Fort

Date: _____

Full Name of joint inventor number 11 : **Steven P. Buska**

Citizenship: **United States of America**

Residence: **Minnetonka, MN**

Post Office Address: **13370 Stanton Drive
Minnetonka, MN 55305**

Signature: _____

Steven P. Buska

Date: _____

Full Name of joint inventor number 12 : **Jeff Solum**

Citizenship: **United States of America**

Residence: **Bloomington, MN**

Post Office Address: **4900 West 78th Street
Bloomington, MN 55435**

Signature: _____

Jeff Solum

Date: _____

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Full Name of joint inventor number 13 : **Debra Lea Enfield**
Citizenship: **United States of America** Residence: **Chaska, MN**
Post Office Address: **464 Ridge Court**
Chaska, MN 55318

Signature: _____ Date: _____
Debra Lea Enfield

Full Name of joint inventor number 14 : **Darrell Berg**
Citizenship: **United States of America** Residence: **Bloomington, MN**
Post Office Address: **4900 West 78th Street**
Bloomington, MN 55435

Signature: _____ Date: _____
Darrell Berg

Full Name of joint inventor number 15 : **Thomas Smigelski**
Citizenship: **United States of America** Residence: **Lake Zurich, IL**
Post Office Address: **230 Waterford Drive**
Lake Zurich, IL 60047

Signature: _____ Date: _____
Thomas Smigelski

Full Name of joint inventor number 16 : **Thomas C. Tucker**
Citizenship: **United States of America** Residence: **Chapel Hill, NC**
Post Office Address: **205 Silver Creek Trail**
Chapel Hill, NC 27514

Signature: _____ Date: _____
Thomas C. Tucker

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Full Name of joint inventor number 17 : **Joe Hall**

Citizenship: **United States of America**

Residence: **Bloomington, MN**

Post Office Address: **4900 West 78th Street
Bloomington, MN 55435**

Signature: _____

Joe Hall

Date: _____

Full Name of joint inventor number 18 : **John M. Logajan**

Citizenship: **United States of America**

Residence: **Arden Hills, MN**

Post Office Address: **4248 Hamline Avenue
Arden Hills, MN 55112**

Signature: _____

John M. Logajan

Date: _____

Full Name of joint inventor number 19 : **Somvay Boualouang**

Citizenship: **United States of America**

Residence: **Bloomington, MN**

Post Office Address: **4900 West 78th Street
Bloomington, MN 55435**

Signature: _____

Somvay Boualouang

Date: _____

Full Name of joint inventor number 20 : **Heng Lou**

Citizenship: **United States of America**

Residence: **Bloomington, MN**

Post Office Address: **4900 West 78th Street
Bloomington, MN 55435**

Signature: _____

Heng Lou

Date: _____

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Full Name of joint inventor number 21 : **Mark D. Elpers**
Citizenship: **United States of America**
Post Office Address: **16303 205th Avenue NW
Elk River, MN 55330**

Residence: **Elk River, MN**

Signature: _____

Mark D. Elpers

Date: _____

Full Name of joint inventor number 22 : **Matt Downs**
Citizenship: **United States of America**
Post Office Address: **4900 West 78th Street
Bloomington, MN 55435**

Residence: **Bloomington, MN**

Signature: _____

Matt Downs

Date: _____

Full Name of joint inventor number 23 : **Tammy Ferris**
Citizenship: **United States of America**
Post Office Address: **4900 West 78th Street
Bloomington, MN 55435**

Residence: **Bloomington, MN**

Signature: _____

Tammy Ferris

Date: _____

Full Name of joint inventor number 24 : **Adam Opoczynski**
Citizenship: **United States of America**
Post Office Address: **3705 Roxbury Lane
Plano, TX 75025**

Residence: **Plano, TX**

Signature: _____

Adam Opoczynski

Date: _____

☒ Additional inventors are being named on separately numbered sheets, attached hereto.

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Full Name of joint inventor number 25 : David S. Russell
Citizenship: United States of America Residence: Minneapolis, MN
Post Office Address: 5145 Luverne Avenue
Minneapolis, MN 55419

Signature: _____ Date: _____
David S. Russell

Full Name of joint inventor number 26 : Calvin G. Nelson
Citizenship: United States of America Residence: Shorewood, MN
Post Office Address: 26190 Birch Bluff Road
Shorewood, MN 55331

Signature: _____ Date: _____
Calvin G. Nelson

Full Name of joint inventor number 27 : Niranjan R. Samant
Citizenship: United States of America Residence: Middletown, CT
Post Office Address: 229 Ridgefield Drive
Middletown, CT 06547

Signature: _____ Date: _____
Niranjan R. Samant

Full Name of joint inventor number 28 : Joseph F. Chiappetta
Citizenship: United States of America Residence: Trumbull, CT
Post Office Address: 6 Ranch Drive
Trumbull, CT 06611

Signature: _____ Date: _____
Joseph F. Chiappetta

☒ Additional inventors are being named on separately numbered sheets, attached hereto.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of joint inventor number 29 : - Scott Sarnikowski

Citizenship: United States of America

Post Office Address: 43235 57th Avenue North

Plymouth, MN 55442

Residence: Plymouth, MN

5347 SILVER POINT WAY

SAN JOSE, CA 95138

SAN JOSE, CA

Signature: 

Scott Sarnikowski

Date: 5/22/97

Full Name of inventor:

Citizenship:

Post Office Address:

Residence:

Signature: _____

Date: _____

Full Name of inventor:

Citizenship:

Post Office Address:

Residence:

Signature: _____

Date: _____

Full Name of inventor:

Citizenship:

Post Office Address:

Residence:

Signature: _____

Date: _____

§ 1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.

United States Patent Application

COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: COMMUNICATION SYSTEM WITH MULTICARRIER TELEPHONY TRANSPORT.

The specification of which was filed on June 28, 1996 as application serial no. 08/673,002 and was amended on September 24, 1996.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56 (see page 10 attached hereto).

I hereby claim foreign priority benefits under Title 35, United States Code, § 119/365 of any foreign application(s) for patent of inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

No such applications have been filed.

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below.

No such applications have been filed.

I hereby claim the benefit under Title 35, United States Code, § 120/365 of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

<u>Application Number</u>	<u>Filing Date</u>	<u>Status</u>
08/311,964	September 26, 1994	Allowed
08/457,317	June 1, 1995	Pending
08/457,295	June 1, 1995	Pending
08/650,408	May 20, 1996	Pending

I hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

Anglin, J. Michael	Reg. No. 24,916	Embretson, Janet E.	Reg. No. 39,665	Lempia, Bryan J.	Reg. No. 39,746
Bianchi, Timothy E.	Reg. No. 39,610	Fogg, David N.	Reg. No. 35,138	Litman, Mark A.	Reg. No. 26,390
Billig, Patrick G.	Reg. No. 38,080	Forrest, Bradley A.	Reg. No. 30,837	Lundberg, Steven W.	Reg. No. 30,568
Billion, Richard E.	Reg. No. 32,836	Holloway, Sheryl S.	Reg. No. 37,850	Schwegman, Micheal L.	Reg. No. 25,816
Brennan, Thomas F.	Reg. No. 35,075	Kalinowski, Leonard J.	Reg. No. 24,207	Slifer, Russell D.	Reg. No. 39,838
Burke, John E.	Reg. No. 35,836	Klima-Silberg, Catherine I.	Reg. No. 40,052	Viksins, Ann S.	Reg. No. 37,748
Clark, Barbara J.	Reg. No. 38,107	Kluth, Daniel J.	Reg. No. 32,146	Woessner, Warren D.	Reg. No. 30,440
Dryja, Michael A.	Reg. No. 39,662	Lemaire, Charles A.	Reg. No. 36,198		

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/organization/who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Schwegman, Lundberg, Woessner & Kluth, P.A. to the contrary.

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Telephone No. (612)339-0331

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Full Name of joint inventor number 1 : **Mark J. Dapper**
Citizenship: **United States of America** Residence: **Cincinnati, OH**
Post Office Address: **6558 Baywood Lane**
Cincinnati, OH 45224

Signature: _____ Date: _____
Mark J. Dapper

Full Name of joint inventor number 2 : **Michael J. Geile**
Citizenship: **United States of America** Residence: **Loveland, OH**
Post Office Address: **316 Miami Valley Drive**
Loveland, OH 45140

Signature: _____ Date: _____
Michael J. Geile

Full Name of joint inventor number 3 : **Terrance J. Hill**
Citizenship: **United States of America** Residence: **Fairfield, OH**
Post Office Address: **1765 Garrett House Lane**
Fairfield, OH 45014

Signature: _____ Date: _____
Terrance J. Hill

Full Name of joint inventor number 4 : **Harold A. Roberts**
Citizenship: **United States of America** Residence: **Eden Prairie, MN**
Post Office Address: **7017 Beacon Circle**
Eden Prairie, MN 55346

Signature: _____ Date: _____
Harold A. Roberts

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Full Name of joint inventor number 5 : **Brian D. Anderson**

Citizenship: **United States of America**

Residence: **Plymouth, MN**

Post Office Address: **11430 - 50th Place North
Plymouth, MN 55442**

Signature: _____

Brian D. Anderson

Date: _____

Full Name of joint inventor number 6 : **Jeffrey Brede**

Citizenship: **United States of America**

Residence: **Eden Prairie, MN**

Post Office Address: **8073 Curtis Lane
Eden Prairie, MN 55347**

Signature: _____

Jeffrey Brede

Date: _____

Full Name of joint inventor number 7 : **Mark S. Wadman**

Citizenship: **United States of America**

Residence: **Eden Prairie, MN**

Post Office Address: **8956 Braxton Drive
Eden Prairie, MN 55347**

Signature: _____

Mark S. Wadman

Date: _____

Full Name of joint inventor number 8 : **Robert J. Kirscht**

Citizenship: **United States of America**

Residence: **Savage, MN**

Post Office Address: **13106 Vernon Avenue South
Savage, MN 55378**

Signature: _____

Robert J. Kirscht

Date: _____

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Full Name of joint inventor number 9 : **James J. Herrmann**
Citizenship: **United States of America** Residence: **Eagan, MN**
Post Office Address: **1894 Sunrise Court**
Eagan, MN 55122

Signature: _____ Date: _____
James J. Herrmann

Full Name of joint inventor number 10 : **Michael J. Fort**
Citizenship: **United States of America** Residence: **Eagan, MN**
Post Office Address: **1045 Northview Park**
Eagan, MN 55123

Signature: _____ Date: _____
Michael J. Fort

Full Name of joint inventor number 11 : **Steven P. Buska**
Citizenship: **United States of America** Residence: **Minnetonka, MN**
Post Office Address: **13370 Stanton Drive**
Minnetonka, MN 55305

Signature: _____ Date: _____
Steven P. Buska

Full Name of joint inventor number 12 : **Jeff Solum**
Citizenship: **United States of America** Residence: **Bloomington, MN**
Post Office Address: **4900 West 78th Street**
Bloomington, MN 55435

Signature: _____ Date: _____
Jeff Solum

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Full Name of joint inventor number 13 : **Debra Lea Enfield**
Citizenship: **United States of America** Residence: **Chaska, MN**
Post Office Address: **464 Ridge Court**
Chaska, MN 55318

Signature: *Debra Lea Enfield* Date: 5 May 1997
Debra Lea Enfield

Full Name of joint inventor number 14 : **Darrell Berg**
Citizenship: **United States of America** Residence: **Bloomington, MN**
Post Office Address: **4900 West 78th Street**
Bloomington, MN 55435

Signature: _____ Date: _____
Darrell Berg

Full Name of joint inventor number 15 : **Thomas Smigelski**
Citizenship: **United States of America** Residence: **Lake Zurich, IL**
Post Office Address: **230 Waterford Drive**
Lake Zurich, IL 60047

Signature: _____ Date: _____
Thomas Smigelski

Full Name of joint inventor number 16 : **Thomas C. Tucker**
Citizenship: **United States of America** Residence: **Chapel Hill, NC**
Post Office Address: **205 Silver Creek Trail**
Chapel Hill, NC 27514

Signature: _____ Date: _____
Thomas C. Tucker

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Full Name of joint inventor number 17 : **Joe Hall**
Citizenship: **United States of America** Residence: **Bloomington, MN**
Post Office Address: **4900 West 78th Street**
Bloomington, MN 55435

Signature: _____ Date: _____
Joe Hall

Full Name of joint inventor number 18 : **John M. Logajan**
Citizenship: **United States of America** Residence: **Arden Hills, MN**
Post Office Address: **4248 Hamline Avenue**
Arden Hills, MN 55112

Signature: _____ Date: _____
John M. Logajan

Full Name of joint inventor number 19 : **Somvay Boualouang**
Citizenship: **United States of America** Residence: **Bloomington, MN**
Post Office Address: **4900 West 78th Street**
Bloomington, MN 55435

Signature: _____ Date: _____
Somvay Boualouang

Full Name of joint inventor number 20 : **Heng Lou**
Citizenship: **United States of America** Residence: **Bloomington, MN**
Post Office Address: **4900 West 78th Street**
Bloomington, MN 55435

Signature: _____ Date: _____
Heng Lou

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Full Name of joint inventor number 21 : **Mark D. Elpers**
Citizenship: **United States of America**
Post Office Address: **16303 205th Avenue NW
Elk River, MN 55330**

Residence: **Elk River, MN**

Signature: _____

Mark D. Elpers

Date: _____

Full Name of joint inventor number 22 : **Matt Downs**
Citizenship: **United States of America**
Post Office Address: **4900 West 78th Street
Bloomington, MN 55435**

Residence: **Bloomington, MN**

Signature: _____

Matt Downs

Date: _____

Full Name of joint inventor number 23 : **Tammy Ferris**
Citizenship: **United States of America**
Post Office Address: **4900 West 78th Street
Bloomington, MN 55435**

Residence: **Bloomington, MN**

Signature: _____

Tammy Ferris

Date: _____

Full Name of joint inventor number 24 : **Adam Opoczynski**
Citizenship: **United States of America**
Post Office Address: **3705 Roxbury Lane
Plano, TX 75025**

Residence: **Plano, TX**

Signature: _____

Adam Opoczynski

Date: _____

☒ Additional inventors are being named on separately numbered sheets, attached hereto.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of joint inventor number 25 : **David S. Russell**
Citizenship: **United States of America** Residence: **Minneapolis, MN**
Post Office Address: **5145 Luverne Avenue**
Minneapolis, MN 55419

Signature: _____ Date: _____
David S. Russell

Full Name of joint inventor number 26 : **Calvin G. Nelson**
Citizenship: **United States of America** Residence: **Shorewood, MN**
Post Office Address: **26190 Birch Bluff Road**
Shorewood, MN 55331

Signature: _____ Date: _____
Calvin G. Nelson

Full Name of joint inventor number 27 : **Niranjan R. Samant**
Citizenship: **United States of America** Residence: **Middletown, CT**
Post Office Address: **229 Ridgefield Drive**
Middletown, CT 06547

Signature: _____ Date: _____
Niranjan R. Samant

Full Name of joint inventor number 28 : **Joseph F. Chiappetta**
Citizenship: **United States of America** Residence: **Trumbull, CT**
Post Office Address: **6 Ranch Drive**
Trumbull, CT 06611

Signature: _____ Date: _____
Joseph F. Chiappetta

☒ Additional inventors are being named on separately numbered sheets, attached hereto.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of joint inventor number 29 : Scott Sarnikowski

Citizenship: United States of America

Residence: Plymouth, MN

Post Office Address: 13235 57th Avenue North
Plymouth, MN 55442

Signature: _____

Scott Sarnikowski

Date: _____

Full Name of inventor:

Citizenship:

Residence:

Post Office Address:

Signature: _____

Date: _____

Full Name of inventor:

Citizenship:

Residence:

Post Office Address:

Signature: _____

Date: _____

Full Name of inventor:

Citizenship:

Residence:

Post Office Address:

Signature: _____

Date: _____

§ 1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.